

**Introduced by Senator Hollingsworth**

February 22, 2005

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An act to amend Sections 458 and 459 of the Fish and Game Code, relating to fish and game.

LEGISLATIVE COUNSEL'S DIGEST

SB 1033, as introduced, Hollingsworth. Deer management.

(1) Existing law provides for the management of deer, and requires the Department of Fish and Game to develop plans for deer herd management units. Existing law requires the department not later than December 15 to notify the board of supervisors of each specified county as to the department's recommendations as to whether any antlerless deer hunts should be ordered. Existing law allows the board of supervisors of any specified county, by resolution, to elect not to order antlerless deer hunts in the county.

This bill would delete the provision of law permitting the board of supervisors of any specified county, by resolution, to elect not to order antlerless deer hunts in the county.

(2) Existing law permits the board of supervisors of any specified county that has held a public meeting to object, by resolution, to the proposed recommendations of the department or to determine that the proposed recommendations should be modified, as specified. Existing law prohibits the department from recommending to the Fish and Game Commission, the taking of antlerless deer in a specified county if the department has received from the board of supervisors of that county a resolution objecting to the taking. Existing law requires the department to modify its recommendations and requires the commission to modify its orders with regard to the taking of antlerless deer in specified counties under certain circumstances, as provided.

This bill would allow the board of supervisors of specified counties to determine that the proposed recommendations should be modified, setting forth the county's preferred modifications. This bill would no longer prohibit the department from recommending to the commission, the taking of antlerless deer in a specified county if the department has received from the board of supervisors of that county a resolution objecting to the taking. This bill would permit, rather than require, the department to modify its recommendations and the commission to modify its orders with regard to the taking of antlerless deer in specified counties under certain circumstances, as provided.

(3) This bill would make findings and declarations regarding the inapplicability of a general statute within the meaning of Section 16 or Article IV of the California Constitution.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 458 of the Fish and Game Code is  
2 amended to read:

3 458. The department not later than December 15 shall notify,  
4 by certified mail, the board of supervisors of each county  
5 affected of the details of its recommendations under Section 457.

6 The board of supervisors of any affected county may elect to  
7 hold a public hearing on the proposed recommendations of the  
8 department. Any ~~such~~ hearing shall be held prior to February 1.  
9 The director or his or her representative shall attend the hearing.

10 ~~The board of supervisors of any county to which this section is~~  
11 ~~applicable may, by resolution, elect not to exercise the rights~~  
12 ~~conferred by this section.~~

13 This section applies only to the counties of, and to those  
14 districts or parts of districts in, Siskiyou, Modoc, Trinity, Shasta,  
15 Lassen, Plumas, Sierra, Alpine, Amador, Butte, Calaveras,  
16 Colusa, Del Norte, El Dorado, Glenn, Humboldt, Imperial, Inyo,  
17 Lake, Madera, Mariposa, Mendocino, Merced, Mono, Monterey,  
18 Napa, Nevada, Orange, Placer, Riverside, San Luis Obispo,  
19 Santa Barbara, Santa Clara, Tehama, Tuolumne, Yolo, and Yuba  
20 Counties.

21 SEC. 2. Section 459 of the Fish and Game Code is amended  
22 to read:

1 459. The board of supervisors of any county specified in  
2 Section 458 ~~which~~ *that* has held a public hearing pursuant to  
3 Section 458 may, not later than February 1, by resolution, object  
4 to the proposed recommendations of the department or may, by  
5 resolution, determine that the proposed recommendation should  
6 be modified, setting forth the ~~necessary~~ *county's preferred*  
7 modifications.

8 A resolution objecting to, or setting forth modifications of, the  
9 proposed recommendations shall be based upon the testimony  
10 and information presented at the hearing or presented to the  
11 board of supervisors at its meeting to consider the resolution.

12 ~~The department shall not recommend to the commission, and~~  
13 ~~the commission shall not authorize, the taking of antlerless deer~~  
14 ~~in a county specified in Section 458 if it has received from the~~  
15 ~~board of supervisors of that county a resolution objecting to that~~  
16 ~~taking.~~ If a board of supervisors of a county has submitted a  
17 resolution determining that the department's proposed  
18 recommendations on the taking of antlerless deer should be  
19 modified for that county, the department ~~shall either~~ *may* so  
20 modify its recommendations and the commission ~~shall~~ *may* so  
21 modify its orders ~~or the department shall not recommend, and the~~  
22 ~~commission shall not authorize, the taking of antlerless deer in~~  
23 ~~that county as long as that action would not adversely impact the~~  
24 ~~health of the deer population.~~

25 SEC. 3. a. The Legislature finds and declares that due to the  
26 unique circumstances relating to antlerless deer in counties of,  
27 and to those districts or parts of districts in, Siskiyou, Modoc,  
28 Trinity, Shasta, Lassen, Plumas, Sierra, Alpine, Amador, Butte,  
29 Calaveras, Colusa, Del Norte, El Dorado, Glenn, Humboldt,  
30 Imperial, Inyo, Lake, Madera, Mariposa, Mendocino, Merced,  
31 Mono, Monterey, Napa, Nevada, Orange, Placer, Riverside, San  
32 Luis Obispo, Santa Barbara, Santa Clara, Tehama, Tuolumne,  
33 Yolo, and Yuba, a statute of general applicability cannot be  
34 enacted within the meaning of subdivision (b) of Section 16 of  
35 Article IV of the California Constitution.